

LODGED

SEP 17 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SFUND RECORDS CTR
2216173

FILED

SEP 22 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

THE UNITED STATES OF AMERICA

Plaintiff,

v.

BEAZER EAST, INC.

Defendant.

CIVIL ACTION NO.

S-91-767 LKK JFM

~~PROPOSED~~ ORDER AND AMENDMENT TO CONSENT DECREE

This cause is now before the Court on the motion of the United States of America, at the request of the Administrator of the United States Environmental Protection Agency (EPA), to amend the Consent Decree entered by the Court on February 17, 1992 (Consent Decree).

1. The Consent Decree required Beazer East, Inc. (Beazer) to, *inter alia*, perform remedial measures to address contamination at the Koppers Superfund Site in Oroville, California (Site).

2. The remedy which Beazer agreed to perform under the Consent Decree was changed due to technological impracticalities. The parties have stipulated to the amendments to the Consent Decree and the Stipulated Amendment was lodged with the Court on July 24, 2003. The amendments ensure that the Site does not pose a risk to public health and the environment as a result of the changes to the remedy.

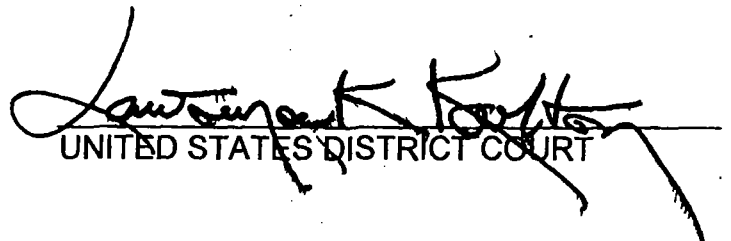
3. The Stipulated Amendment filed with the Court reflects the revisions to the Consent Decree. A copy of the Stipulated Amendment is attached hereto.

1 4. Except for the revisions reflected in the Stipulated Amendment, all other
2 provisions of the Consent Decree shall remain in full force and effect.

3 5. The public was provided an opportunity to comment on the revisions to the
4 Consent Decree. No comments were submitted.

5
6 Having considered the United States' Motion to Enter and the Supporting
7 Memorandum, and for good cause shown, it is ORDERED, ADJUDGED, and
8 DECREED that the motion is HEREBY GRANTED and the Stipulated Amendment is
9 HEREBY ENTERED.

10
11 This the 19 day of Sept, 2003.
12
13

14
15
16 
17 UNITED STATES DISTRICT COURT
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. That she served a copy of

(PROPOSED) ORDER AND AMENDMENT TO CONSENT DECREE
in the case captioned United States of America v. Beazer East, Inc., NO. S 91-767 by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and its contents in the United States Mail at Sacramento, California;

Addressee(s):

William F. Giarla
One Oxford Center
Suite 3000
Pittsburgh, PA 15219-6401

Dated: September 17, 2003


Carol Brown
Legal Assistant

United States District Court
for the
Eastern District of California
September 22, 2003

* * CERTIFICATE OF SERVICE * *

2:91-cv-00767

USA

v.

Beazer East

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on September 22, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

William A Weinischke AR/LKK
United States Department of Justice
Environmental Enforcement Section
PO Box 7611
Ben Franklin Station
Washington, DC 20044

Richard H Jenkins
United States Attorney
501 I Street
Suite 10-100
Sacramento, CA 95814

Gregory Ritter
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

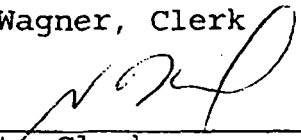
Ronald C Hausmann
Munger Tolles and Olson LLP
33 New Montgomery Street Tower
19th Floor
San Francisco, CA 94105

Joseph A Darrell
Thelen Reid and Priest LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3601

Bert P Krages II
Louisiana Pacific Corporation
111 SW Fifth Avenue
Portland, OR 97204

Jack L. Wagner, Clerk

BY:


Deputy Clerk